

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GREGORY TABAREZ,

Plaintiff, No. CIV S-04-0360 LKK EFB P

vs.

DIANA BUTLER, et al.,

Defendants. ORDER

Plaintiff is a prisoner without counsel seeking relief for alleged civil rights violations.

See 42 U.S.C. § 1983. On May 29, 2007, defendant Lemon filed a request for the court to clarify the May 21, 2007, order in which the court extended the time to take plaintiff's deposition.

Defendant requests the court to include setting a time for filing dispositive motions. For the reasons explained, the request is granted.

Pursuant the January 27, 2006, scheduling order, discovery closed May 26, 2006, and dispositive motions were to be filed no later than July 21, 2006. As the result of a procedural history involving several defendants represented by different counsel, the court on May 21, 2007, for the second time extended defendant Max Lemon's time to take plaintiff's deposition. However, the court did not set a time for filing dispositive motions. On June 4, 2007, he filed a motion for summary judgment.

The court finds that defendant Lemon has acted diligently in seeking modifications of the schedule to take plaintiff's deposition and in filing his motion for summary judgment.

Accordingly, it is ORDERED that:

1. Defendant's May 29, 2007, request is granted; and
 2. Defendant's June 4, 2007, motion for summary judgment is accepted as timely.

Dated: July 16, 2007.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE